

MADEP Bureau of Waste Site Cleanup

December 16, 2004 Advisory Committee Meeting

Handout 1: **DRAFT – New section for certain Transmittal Forms to capture Site Use Information**

Handout 2: **List of Commenters on proposed MCP changes**



COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE OFFICE OF ENVIRONMENTAL AFFAIRS
DEPARTMENT OF ENVIRONMENTAL PROTECTION
ONE WINTER STREET, BOSTON, MA 02108 617-292-5500

MITT ROMNEY
Governor

KERRY HEALEY
Lieutenant Governor

ELLEN ROY HERZFELDER
Secretary

ROBERT W. GOLLEDGE, Jr.
Commissioner

December 16, 2004

Bureau of Waste Site Cleanup Advisory Committee Members and Interested Parties

DRAFT – New section for certain Transmittal Forms to capture Site Use Information

Brownfields redevelopment is a key component of the Smart Growth Principles developed by the Massachusetts Office of Commonwealth Development (OCD). Although there isn't a consensus definition, "brownfield" properties are typically vacant or underutilized property in and around central business districts and traditional city or town centers, near transit stations, and in areas that have been previously developed for commercial, industrial or institutional uses where expansion or redevelopment is complicated by real or perceived contamination. The reuse or redevelopment of such brownfield properties as well as properties that *aren't* vacant or abandoned often involves response actions under c. 21E and the MCP. In an attempt to develop a way to learn about and track response actions that are associated with a brownfield or non-brownfield property reuse or development project, BWSC is asking for your thoughts and comments on a proposal to add a new section to the Release Notification (RNF) Transmittal Form, the Release Abatement Measure (RAM) Transmittal Form and the (RAO) Response Action Outcome Transmittal Form.

Please review the attached form and provide comments by **January 7, 2005** to Richard Chalpin at the letterhead address or by email to Richard.Chalpin@state.ma.us.

The draft proposed section is attached to a Release Notification Transmittal Form so that reviewers can see the Certification language common to Transmittal Forms. BWSC is interested in feedback on the following questions:

- Do you think having information that shows that a 21E response action was associated with or in some way resulted in the reuse or development of a property is useful? [e.g., as a 21E program "measure of success"];
- Does it make any difference whether the form includes references to "brownfields" sites? Can the form address the use/reuse or development/redevelopment of any property and get at the brownfields category by asking whether the project involved abandoned or vacant property and asking for information about funding sources?
- Are instructions clear?

This information is available in alternate format. Call Donald M. Gomes, ADA Coordinator at 617-556-1057. TDD Service - 1-800-298-2207.

DEP on the World Wide Web: <http://www.mass.gov/dep>

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- In light of certification requirements on a Transmittal Form (pains and penalties of perjury), should completion of this section be voluntary since at an RP/PRP/OP can't guarantee that the information provided at the RNF or RAM Plan point will prove to be exactly how the project comes out in the end? Information could be required in the RAO Transmittal Form since response actions are complete. If the information is required on Transmittal Forms, does the disclaimer on the form address this issue?
- Should this section be in additional Transmittal Forms? Or not in one or more of the forms proposed?
- Please provide suggestions for alternative ways to gather this information.

G. SITE USE INFORMATION - DRAFT – 12/16/04 – for discussion and comment only

Please complete this section so that DEP can track the location and number of response actions at 21E sites in Massachusetts that result in or are associated with the redevelopment or reuse of property impacted by the presence of oil and/or hazardous materials.

DEP is particularly interested in the redevelopment or reuse of *vacant or underutilized commercial or industrial 21E sites*, properties that are often referred to as *Brownfield* sites. Redevelopment or reuse of Brownfield properties often results in important environmental and economic development benefits, including revitalization of local economies, creation and/or retention of jobs, and provision of needed housing and/or recreational or open space opportunities.

This information is for tracking purposes only and is not intended to represent any legal commitment or obligation on the part of the party or person completing this section.

-
- ☐ **Not Applicable: check this box if the response actions to be conducted or likely to be conducted at this site are *not associated with* or *will not result in* the redevelopment or reuse of property impacted by the presence of oil and/or hazardous materials.**
- ☐ **Check this box and complete the remainder of this section if the response actions to be conducted or likely to be conducted at this site *are associated with* or *will result in* the redevelopment or reuse of property impacted by the presence of oil and/or hazardous materials.**

Are response actions associated with a Brownfield property ? [a vacant or underutilized commercial or industrial property where expansion or redevelopment is complicated by real or perceived contamination]

- ☐ Yes
☐ No

Check the status which best applies to you:

- ☐ Project conducted with only private funds.
☐ Project conducted with financial assistance from state or federal Brownfield incentive programs.
(Identify Programs: _____)

- ☐ Other funding sources: _____

Has a Covenant Not to Sue been obtained for the project?

- ☐ Yes
☐ No

Check all categories that apply:

- ☐ Private party
☐ Redevelopment Agency or Authority
☐ Community Development Corporation
☐ Economic Development & Industrial Corporation
☐ Fiduciary
☐ Secured Lender
☐ Municipality
☐ Potential buyer (non-owner)
☐ Other: _____

- DRAFT – 12/16/04 – for discussion and comment only

Current or, if vacant, most recent historical use:

- ☐ Housing - Number of units/residences: _____
- ☐ Recreation - Acres: _____ Type: _____
- ☐ Open space - Acres: _____ Description: _____
- ☐ Commercial Space - Square footage: _____ Type: _____
- ☐ Industrial Space - Square footage: _____ Type: _____
- ☐ Parking: - Square footage: _____ Estimated number of spaces: _____
- ☐ Other: _____

Based upon your current intentions for the site, check each box that describes the benefits the project will provide:

- ☐ Housing - Number of units/residences: _____
- ☐ Jobs - Estimated number created: _____
- ☐ Recreation - Acres: _____ Type: _____
- ☐ Open space - Acres: _____ Description: _____
- ☐ Commercial Space - Square footage: _____ Type: _____
- ☐ Industrial Space - Square footage: _____ Type: _____
- ☐ Parking: - Square footage: _____ Estimated number of spaces: _____
- ☐ Other: _____

MCP Draft Commenter

Affiliation

Barnes, Jeff	ATC Associates
Begelfer, David	NAIOP
Brown, David	Perchlorate panel member
Brox, Stephen	Brox Industries
Bushnell, R. R.	MCTA
Curtis, James	MIT
Doherty, Richard	Engineering and Consulting Resources
Duran, Alex	New England Organics
Flanagan, Susan	Institute of Makers of Explosives
Fogarty, Katherine	Menzie Cura
Gitten, Michael	ESS Group
Gladstone, Ileen	ACEC/ASCE, Boston Society
Hackney, H. H.	National Brownfield Assn
Hogan, Lawrence	ENSR
Horrigan, Kevin	Underground Storage Tank - DOR
Knox, Michael	MA WaterWorks Assn
Kriebel, David	Umass Lowell
Leather, Ray	Warren Equities
Lockwood, Paul	Sovereign Consulting
Lotti, Michael	National Grid
Marshall, Ben	Action Environmental
MassPIRG - Tufts; Bristol and Middlesex CC; Clark; Umass Dartmouth	MassPIRG
Matkoski, Susan	AMEC Earth and Environmental
McCullough, Patricia	Northeast Utilities
Murray, Timothy	Worcester Mayor
Pelletier, Bob	Covino Environmental Assoc.
Penney, Ralph	Penney Engineering
Rachins, Ed	Mutual Oil
Rio, Robert	AIM
Stackpole, Andrew	Department of Defense
Steinberg, Elliot	LSPA
Weil, Miriam	Menzie Cura
Wilson, Matt	Toxics Action Center